and Miller. and Miller.

A maisance existing at No. 474 East Twenty-eighth street, occupied as a slaughter house, and which had been complained of to Mr. Camell, was reported by that gentleman as being now under process of corrections.

A petition from Mr. Charles Disch requesting the

A petition from Mr. Charles Disch requesting the appointment as temporary Health Warden for the Twentieth Ward, in the absence of the regularly chosen officer, was referred to the Mayor.

A petition, received from John White, and another from De Witt Brothers, complaining of the rear of the premises, Nos. 107 and 109 John street, as a nuisance, was referred to the Health Warden of that district for correction, with instructions that he should report through the Superintendant of Sanitary Inspection to this Board.

The Commissioners then adjourned to Monday at 12 The Commissioners then adjourned to Monday at 12

NEW-YORK PRISON ASSOCIATION. The Executive Committee of the above Association held their stated monthly meeting last evening at the residence of John H. Griscom, M. D., No. 42 East

Twenty-ninth street.
Present, Dr. Griscos, Chairman: Richard Reed Israel Russell, John A. Bryan, Stephen Cutter, Heary A. Oakley and James C. Holden.
The Treasurer's Report acknowledged the receipt of the following contributions to the funds since their last contributions.

meeting:
Otis D. Swan, \$10, J. & A. Petrie & Co., \$10, D. Moran, \$5
Mitchell & Pott, \$10, C. H. Sand, \$10, J. Sturges, \$10, S. G.
Mitchell & Pott, \$10, C. H. Sand, \$10, J. Sturges, \$10, S. G.
Rogert, \$5, C. Burkhalter, \$5, Grant & Barton, \$5, J. L.
Schiedelin, \$5, Baboock & Miller, \$5, Haskell & Co., \$5, J.
Messenger, \$5, R. S. Williams, \$5, Walsh & Gunter, \$5, B
M. Whitlook, \$5, Cash, \$2, Frederick C. Gebhard, \$5, W.
R. Aspinwall, \$25, C. N. Talbot, \$25, Duncan, Snerman & Co.

After the transaction of the ordinary business, the Agent of the Discharged Convict and the Detention Committees submitted his diaries, which showed the following to have been their operations during the last

ersons visited in our City Prisons, nearly..... emona visited in our city reason leaves, complaints carefully examined, our plaints discontinued on their advice, complaints discontinued on their advice, remona discharged from custody on their recommunischarged convicts and others asked with money eracus supplied with clothing.

Letters of peculiar interest have been received by

Letters of peculiar interest have been received by the Association, clearly showing that a large proportion of those discharged from our penal institutions are succeptible of permanent reformation.

To develope more fully the philanthropic objects of the Association, increased patronage and support is earnestly scheited. Contributions and donations will be thankfully acknowledged by their Treasurer, Henry A. Oakley, eq., No. 66 Wall-st.

Parcels of clothing, shoes, caps, and useful and appropriate books, especially on Temperance, will be gratefully received by the agent, Abraham Beal, at their office, No. 15 Centre street, corner Chambers.

COMMISSIONERS OF POLICE. The Board met yesterday afternoon at Police Head-quarters, President STILLMAN in the chair, and all the members present. Presentation of Memorial Respecting the Sunday

Presentation of Memorial Respecting the Sunday Liquor Traffic.

A double delegation of citizens of American and German birth waited on the Commissioners to present memorials on the Sunday liquor traffic. Messrs. Peleitah Perit, James Brown, C. O. Halsted, Norman White, Roswell Sprague, A. B. Neilson, James W. Beekman, and other well-known gentlemen, with Mears. Meller, Ruechers and other Germans, composed the delegation.

the delegation.

Mr. Perir, in presenting the memorial, briefly stated

the delegation.

Mr. Perit, in presenting the memorial, briefly stated its objects, and expressed the hope that, so far as they came within the scope of the department, they would be carried out.

Mr. Bowen thought the responsibility for the existing state of things was largely with the magistracy and the prosecuting officers. Numerous complaints had already been made, which had not been prosecuted. He was not certain as to the power of the Police to arrest offenders against the Sanday Liquor law.

Mr. White said the evils of the traffic under consideration were so obvious, and affected so deeply the moral condition of the city, that the Press and the public would demand, as they had a right to demand, the execution of the laws. Surely the magistrates would not obstruct their enforcement, with overwhelming proofs that while they were left in neglect all law was comparatively powerless. He directed the attention of the Commissioners to the city ordinance of 1855, which makes every Sunday sale of liquor a misdemenner; to the Excise law of 1857, which provides a penalty of \$50 for each offense, either of selling on Sanday, if licensed, and makes it the duty of every policeman to arrest offenders; to the Metropolitan Folice act, which affixes a fine of \$50 to every Sunday sale, and requires the Police Board to execute the laws protecting the Sabbath; and to the statute prohibiting all traffic on the Sabbath, and to penalty of confiscation of the goods ex-Board to execute the laws protecting the Sabbath; and to the statute prohibiting all traffic on the Sabbath, and a penalty of confiscation of the goods exposed for sale, whether liquors or dry goods. When distinguished strangers visit our city, we are proud to exhibit our humane and regenerative institutions, and point to the ample proportions of our Alms-House and kindred establishments as proof of benevolent forethought. Would it not be a prouder movement could we, by abating the causes of parperism and the temptations to crime, show that Alms-House accommodations and City Prisons were comparatively needless? The memorialists are the more encouraged to seek protection and relief from the evils of the Sanday liquor traffic on account of the readiness heretofore manifested by this department to comply with all rea-

ifested by this department to comply with all rea-

sonable requests of citizens to suppress crime and abate public nuisances.

The memorial was referred to the appropriate Com-

The memorial was referred to the appropriate Committee.

The matter as to the old police force was under discussion, and was finally referred to the Committee on Rules and Regularitons, consisting of Judge Ulshoeffer and Messra. Bowen and Stranahan.

Patrolmen Harrington and Sweeny of the First Ward were dismissed the force.

Policeman John D. Davis of Brooklyn, against whom charges had been preferred, sent in a letter of resignation, which he concluded by wishing the Commissioners every happiness.

resignation, which he concluded by wishing the Com-missioners every happiness.

The Board adjourned until Friday.
It is rumored that the Board have consented to re-instate such worthy members of the old force as will relinquish all claims to back pay, and we learn from a reliable source that eight men have already accepted such proposition, and beer placed on duty.

THE NEW SCHOOL GENERAL ASSEMBLY. Correspondence of The N. Y. Tribune.

WILMINGTON, Del., May 25, 1859. The morning prayer meeting was largely attended and very interesting. Among the statements made was one by the Rev. Dr. Hatfield, going to show that there was some misapprehension in the commu nity in reference to the great revival. Last May, the City of New-York was able to report a large share in the blessing: but since that time, the city churches baye not been sharing in the revival, except in one case. As for the Fulton-street prayer meeting, it is sustained by a few excellent Christians from the various churches, and also by Christian strangers from other places. He also alluded to the meetings in the Academy of Music, and expressed the opinion that those meetings were made up principally of members of the regular congregations, and not, as has been supposed, principally of persons not attending church elsewhere. He asked that special prayer be offered

for that great city, which was done.

The Rev. Mr. Rollo alluded to the difficulties and embarrassments of the brethren in Missouri, and their

case was remembered in prayer.

After reading the minutes of the last meeting, the discussion of the Church Extension report was resumed. Several members of the Assembly expressed the opinion that the rules of the Erection Fund are too stringent to meet certain peculiar wants of churches at the West, especially in the larger towns. It was contended that some of these town churches at the West need more than \$500, and that more should be granted in order that they may become the strong center in the midst of the surrounding country. The Rev. Mr. Thompson, from the Presbytery of

The Rev. Mr. Thompson, from the Presbytery of Dacotah, in Minocesta, pied that the rules of the Fund be so relaxed as to allow aid to be extended to our church in that Presbytery which cannot now have aid by the same rules.

The discussion was arrested by an order of the day for 10 o clock. The Committee on Foreign Missions made a further report on a memorial of the Rev. Dr. Duffield, that the Assembly institute-missions in South America. It has been desired by some that such missions be committed to the care of American and For eign Christian Union. The memorial recommends the such a connection be respectfully declined, and that the Voluntary Society above named be left to do its own work in its own way, and that the Assembly amnounce their wish and preference to prosecute any new foreign mission in their own way. The report read by the Rev. Mr. Jenkins of Philadelphia, is one of the signs of the times, for it recommends that the prayer of the memorial be not granted, also that it be held under advisement until another year,

and that the Permanent Committee on Foreign Missions take the subject into consideration, and to report on it at the next meeting of the Assembly.

The consideration of the report made yesterday on Foreign Missions was resumed, and the Rev. Dr. Poer of Newark took the floor, expounding the Committee's views in favor of measures to organize Presbyteries and churches in our connection in foreign fields. The Doctor, in a very clear manner, set forth the causes of the distrust of the American Board, which are so apparent in the Presbyterian Church. Our missionaries are locatedile as to render the organization of Presbyteries very inconvenient, if not impossible. Besides, the Secretaries and the Prudential Committee at Boston exercise a repressive power which prevents such organizations. This seems to be wrong. Besides, there seems to be a drift toward separation between us and the Congregationalists. In such case there ought to seems to be a drift toward separation between us and the Congregationalists. In such case there ought to be a fair division of property and missions. In order that there be no violent rapfure we must begin now to cluster our own missionaries in the same fields, around the same center. The Assembly must take the initiative step in this matter, announcing a definite purpose, and a way to carry out that plan. The missionaries wish us to act, and say that they cannot move without the countenance of the Assembly. They wait the Assembly's action.

This is the time to act. Churches are being rapidly formed in india, the Levant, and they must take the type of church polity they are to retain at the start, and we must now work or lose our chance.

Dr. Low alluded to the fact that the General Assembly, as such, has no recognition in the American Board,

bly, as such, has no recognition in the American Board, and we must speak to them very courteously. Now, we ask the Board to do three things, viz;

First Formally and declaratively remove every hindrance, ral or supposed, out of the way of the formation of foreign

real or supposed, out of the way of the formation of toreign Presbyteries.

Second: Dispose the appointments of Missionaries so as to facilitate the formation of such Presbyteries.

There, Encourage a free correspondence of our missionaries with the Permanent Committee of the General Assembly.

I have sketched enough of Dr. P.'s speech to show the drift of it toward independent action on the part of

the General Assembly.

After the Doctor concluded his remarks, he was interrogated as to what Missions desire to form Presbyteries, and the fact was elicited that a part of the Madura Mission, and perhaps other Missions, desired to make such Presbyteries.

The Rev. Dr. Treat of Boston was invited to speak on the subject which he did not detending the policy.

on the subject, which he did, not defending the policy of the Board, but stating facts which he thought might of the Board, but stating facts which he thought might be misapprehended. Among these facts were these, that in the Indian Missions several Presbyterian Churches are formed. In the Turkish Empire the Churches are formed not on a plan Congregational, but more akin to Presbyterianism. He illustrated this by facts. A kind of Session is elected, who issue cases of discipline in Presbyterial form.

As for other parts of the Mission field, he supposed that Dr. Poor and others knew more about this matter of Church polity. He asserted that the Board follows the instructions at Newark, literally, and abstains from all appearance of interference with the matter of Church order. He thought the Prudential Committee incapable of any breach of trust in the case.

The Rev. Mr. Booth made a very animated speech against the views of the report, and resisting all tendencies to a separation from the American Board.

A motion was made to call on the different Presbyteries for the expression of their opinion, but it was

teries for the expression of their opinion, but it was withdrawn, and the discussion proceeded. The Rev. Dr. Barnes advocated the adoption of the

The Rev. Mr. Neill of Minnesota advocated the adoption of the report, and in warm language rebuked the assertion of Mr. Booth, that this is an attempt to effect a rude and violent separation from the American re-port, and showed that the friends of this measure are

port, and showed that the friends of this measure are not merely warmly in favor of cooperation with Caristianity, but of bringing such Missionaries and Missions as are sustained by us into a closer and warmer connection with ourselves.

Elder Petter opposed the report, saying that in his opinion the laity are not as strongly in favor of these ecclesiastical movements as the clergy are. He moved to amend the report by striking out the first two recommends the appointment of a Special Committee. It was seconded.

was seconded.

The discussion was arrested in order for the Rev. Dr. Wilson of Reformed Presbyterian Church to take his leave, which he did in a few remarks expressive of his admiration of the body and his wish that it might be blessed in extending Christianity in the form of a sound Presbyterianism. The Moderator responded in a very happy manner, ststing that this Church sympathizes with the body which he represents and sends to it its fraternal greetings.

happy manner, stating that this Church sympathizes with the body which he represents and sends to it its fraternal greetings.

The discussion of the Missionary Report was resumed, and the Rev. Dr. Murdock offered its adoption as an entering wedge which is to separate the Presbyterians and Congregationalists. In this view the Rev. Mr. Bradshaw of the Champlain Presbytery took the same view, saying that many of their churches are so constituted as that they will not abandon the American Board for any Ecclesiastical Board or Committee. He would not lay his hand on the Board nor do anything to prepare the way for it, alluding to the Divine blessing which had followed it in its past history.

The Rev. Mr. Knox of Rome took the floor at the opening of the afternoon session, in a harmonious and effective speech, in which he criticised the statements of these before him who opposed the report.

The Rev. Mr. Wright wished the report.

The Rev. Mr. Wright wished the report to be modified, lest it excite the prejudices of the churches.

The Rev. Dr. Poor explained his positions and the report, as if they had been misapprehended by the opponents of the report. He showed that the only sate course, in view of the desired cooperation between the two bodies, is that we put ourselves in a right position—that is, that we assume our own proper individualism as a church.

Elder Griffith took a different view, and called attention to the fact that no missionary in the field asks us to take this action. He eulogized both the independence of our foreign missionaries and the liberality of the American Board. He said the Board could not recognize any ecclesiastical body as such, either at home or abrond.

Prof. Bailey deprecated separation, but asserted that no such design was entertained by the Committee which presented the report.

that no auch design was entertained by the Committee which presented the report.

The Kev. Mr. Lacy of San Francisco moved that the report be changed, by making it imperative on "this Assembly to remove every hindrance," &c.; and "that we dispose the appointments of Missionaries," &c., and this instead of asking the American Board is all these things.

to do these things.

The amendment was seconded, The Rev. Dr. Fowler moved an amendment to the amendment, that the first suggestion be altogether stricken out. The mover accepted the amendment of Fowler, e Rev. Mr. Wilson defended the executive officers

The Rev. Mr. Wilson defended the executive officers of the Board, and insisted that the report was not intended and will not be offensive to them.

The Rev. Mr. King of Illinois defended the report, and asserted that it contained the most wise and feasible plan for continuing our copperation with the American Board. But it belongs to this Assembly to

lefine on what terms this cooperation shall continue.

While Mr. King was still speaking, the Assembly adjourned.

The force which was designed to be given to the discussion of Home Missions seems expending itself on

the Foreign Missionary report.

Correspondence of The N. Y. Tribune.

WILMISGTON May 26 1859. The discussion vesterday brought out the two opin ons which were known to exist, or rather the three pinions. The first, led by Messrs. Booth, Griffith and thers, scouts the idea of separation from the American Board on any condition, and declares a determination to resist any such separation. Another class, led on by Dr. Poor and others, professes not to desire a separation if it can be avoided, but at the same time does not shut out the fact that circumstances may arise which shall compel such a separation. If such should be the case, it is wise to be ready for the separation on the most advantageous terms. Both these classes, especially the latter, are determined, and the struggle will be a resolute one. The third class is composed of men who hardly know what to do. They wish to do right, and, while actually holding the balance of power, are looking with longing eyes in two very opposite directions. There is, however, very considerable certainty that, with Mr. Lacey's amendments, or something similar, the Committee's report will be passed. I do not think it can be hindered. This I shall probably know more about before night. The devotional exercises this morning were of a very interesting character, and a very large number was present. After reading the minutes of the las meeting, the Rev. Mr. Norton read a report on Publication from the Standing Committee, congratulating the Assembly that the Publication scheme is fairly in-augurated, but showing that much is yet to be done in augurated, but showing that much is yet to be done in the matter. The collections are not as great and general as they ought to be, and the report recommends that a general collection be made in June, and that annual collections be made in the churches thereafter. The report was accepted and placed on the docket.

The consideration of the Foreign Mission report wa resumed, and the Rev. G. J. King continued his remarks, showing that this report is kind and eatholic in its spirit, and no more denominational than is abso-

its spirit, and no more denominational than is abso-hitely necessary to efficiency in that or any other very important works. His remarks were prolonged and carnest, and reiterated the opinion of Dr. Poor and others with strong annulasis.

others with strong emphasis.

The Rev. Mr. Jenkins followed on the same side with great warmth, denying that he or those sympa-thising with him are unfriendly to the American Board. He passed a glowing encomium on the managers and missionaries of that Board, and feelingly alluded to his own former acquaintance with those connected with that missionaries of that Board, and feelingly alloded to allow former acquaintance with those connected with that remarkable Society. He also read the former action of the Assembly to show that it is identical with the report under consideration. He also asserted that Ecclesiastical connection with Missions does not necessarily cripple efforts, but gives them energy; and that we are bound to give our converts in heathen lands this very volitie.

are bound to give our converts in heathen lands this very polity.

Mr. Jenkins said that it was the impression at the different Mission stations that it would not be acceptable to the Prudential Committee at Boston, should the Missionaries form Presbyteries.

Elder Griffith asked Mr. Jenkins if he had any politics in the process to this matter.

positive information in reference to this matter. Mr. J. said that some facts had been before the Committee which could not be stated here without breach of

which could not be stated here without breach of honor.

Mr. J. was urged to state facts, but refused; and in this he was sustained by the Assembly, but he reflected his assertion that such impressions do exist at some of the Mission Stations.

Mr. Griffith contended that all the facts on which the Report of the Committee was based, are the property of the Assembly.

The Moderator said the Committee must be their own judge as to what they will disclose of their private proceedings, and that the Assembly must give such weight as they chose to the Committee's statements.

Mr. Jenkins resisted any change in the Report.

It was moved that after this the speeches be limited to five minutes. This was amended by substituting seven minutes. This was amended by substituting seven minutes. This was further moved that all debate on the question be terminated at quarter after twelve to-day. This was amended by substituting four o'clock. This was carried.

The Rev. Mr. Cannon spoke of his long confidential relations to the Board, and the delicacy he felt in touching the matter. He had entire confidence in the Board, but he assented to the report because it was evident to the Committee that an impression exists among the Missionaries that the Prudential Committee are not

ing the matter. He had entire confidence in the Board, but he assented to the report because it was evident to the Committee that an impression exists among the Missionaries that the Prudential Committee are not friendly to the formation of Presbyteries.

The Rev. Dr. Stearns said he did not believe there is a brother here who did not love his own Church and the Board also. If he believed that this Assembly had the slightest intention to lay hand on this venerable institution, he would enter his protest. But he believed the report was friendly to the Board, else he would oppose it. He would say that, before 1837, he opposed the forming of a Board in our Church, but he believed we had made a mistake in that matter. He thought some of the missionaries desire to favor Presbyteries, but he thought we shall be disappointed as to the number who desire it. We ought to look after the polity of cur missionary churches, and he favored the report because it urged this matter. The church polity now is quite anomalous. It is this: The Mission, composed of the missionaries, clerical and lay, try their members, and his next appeal is to the Prudential Committee. Neither of these is an ecclesiastical body with jurisdiction in the case. The Doctor, with consummate clearness, pointed out the defects in the present system, and showed that the report aims to correct the evil. This has been the most effective speech in favor of the report. I have only outlined it.

He proposed some changes to this effect, "that it be distinctly understood at home and abroad that "the Board do not interpose any objections to the "formation of Presbyteries, &c."

The second amendment was that it be recommended that Presbyteries be formed in foreign lands when the circumstances will permit.

The report was recommitted to the same Committee

reunstances will permit.

The report was recommitted to the same Committee with instructions to report Dr. Stearn's amendments.

That Committee withdrew a moment and reported

according to instructions.

The report was accepted, and on the motion to adopt, The report was accepted, and the horse the discussion was continued.

After various suggestions it was moved that the report be again recommitted with instructions. This was lost, and the motion for adoption of the report

was lost, and the motion for adoption of the report was carried with only one dissenting vote.

The Rev. Mr. Barnes moved the reconsideration of the vote. This was seconded, but lost.

The Assembly resumed as unfinished business, the report of the Church-Extension Committee in regard to the Church Erection Fund and other matters.

After some discussion the Assembly adjourned.

MARINE AFFAIRS.

ARRIVAL OF THE STEAMERS WESTERNPORT AND CAL-EDONIA OF THE PARAGUAT PLEET.

The steamers Westernport, Commander Thomas T. Hunter, and Caledonia, Commander A. L. Case, from Montevideo, via St. Catharine's (where they were detained eleven days to repair machinery), and Barbadoes, May 14. The following is a list of the officers

of the Westernport:
Commander, Thomas T. Hunter; Parser, James K. Harwood;
Passed Assistant Surgeon, Wm. Lawber; Lieutenants, Thomas
O, Phelpa, Johnsthan Young, A. E. K. Fenlam, Charles H.
Cushman; Second-Assistant Engineer, Wm. H. Cushman; Third
do, G. J. Barry, M. K. Plunkett, W. K. Pure; Captain's Clerk,
Henry Warrington; Purser's Clerk, P. H. Browne. In the Caledonia:

Commander, A. L. Case; Lieutenants, W. A. Webb, M. H. Van Zandt, H. Wilson, E. P. McCrea; Passed-Assistant Surgeon, E. Shippen; Chief Engineer, J. Albert.

ARRIVAL OF THE GRANADA.

The United States Mail Steamship Granada, Jefferson Maury, commander, left Aspinwall on Wednesday, May 18, at 2; p. m.; arrived at Havana on the morning of the 22d, at 101 o'clock; left again at 7 o'clock on the morning of the 23d, and arrived here last evening. She brings 200 passengers for New-York; also, a mail from Havana. The Granada experienced strong north-east winds and a heavy head sea during the passage from Havana. She left in the harbor of Havana the United States Mail Steamship Empire City, Capt. Griffin, to sail for New-York same day.

A NEW LIFE-PRESERVER.

Messrs. Hallock & Smith exhibited a new form of ife-preserver, off the Battery, on Thursday. They call it a life-preserving state-room. It is in shape like a barrel, stoutly hooped inside and out, the ends being shaped like a blunt wedge, and a rudder being attached to each end. Inside it is fitted up with sleeping accommodations for six persons, with breadlockers, water-tanks, cells for water ballast, steering genr, and a pump for expelling the water from the air tubes. It is entered through a door at one end, which may be secured from within by thumb-screws so as to be perfectly water tight. In the roof is a sliding hatch through which air and light may be admitted in smooth weather, and from which the flag of distress may be hoisted in the day, the light of the lamp through the dead-lights serving the same purpose at The dead-lights in the sides are secured, as usual, by thumb-screws, and are amply sufficient for the admission of light. These state-rooms are secured in such a manner that the inventor claims that when the ship sinks they will float off like corks, the deck above being cut up into sections or trap-doors, through which, by their natural buoyancy, the staterooms would rise. In case of fire, there are chain slings for hoisting and heaving them overboard. This invention, though seemingly complicated, is in reality very simple, and, with the ample directions posted up inside, might be managed without much difficulty. It would require a good deal of nerve, however, for half a dozen people to fasten themselves up in this little patent safe, and patiently wait till the ship sank, the trap lifted, and the safe floated clear of the wreek.

THE STEAMER C. VASDERBILT. The favorite steamer C. Vanderbilt will make her appearance in the Stonington line to Boston on Monday next, after an absence of several months. She went ashere, it will be remembered, on the east end of Fisher's Island, during a snow-storm in January last, and, after thumping there for forty days, was got afloat again. Since then she has been in the hands of Jeremiah Simonson, her builder, who has reconstructed her from keel to hogg-braces. She has also been refitted and refurnished throughout, and supplied with new boilers, at a cost of \$80,000. She is, therefore, essentially a new boat now. The Stonington line will henceforth be composed of the splensteamers Plymouth Rock, Capt. Stone, and C. Vanderbilt, Capt. Sturgis, and every exertion will be made by the Company and their officers to accommodate the traveling public.

JARVIS ISLAND GUANO. The following is a list of vessels which have laden with Guano at Jarvis Island:

| | | | Tune |
|---------------|-------------------|-----------|------------|
| | Venela. | Tunnage. | Guano tak |
| ptember 1858. | White Swallow | 1,108 | 1,250 |
| | Flying Eagle | | 1,200 |
| | Flying Desgon. | | 1,300 |
| | Mary Robison. | | 1.500 |
| cember1258. | .Teutonia (brig) | | 250 |
| | Alexander | | 250 |
| nuary1259. | .Reymard | 1,050 | 1,200 |
| nuary1859. | . Henry Brighar | 111,068 | 1,200 |
| bruary 1859. | Black Hawk | 1,106 | 1,300 |
| arch1859. | .Rumbler | | 1,300 |
| | .Fleetwing | | 1,100 |
| rch1800. | . Hesperus (in pe | ott)[,019 | 1,500 |
| | | | The Street |

Three other vessels are shortly expected, under

charter to load as above—the chipper ship Argo, about 1,580 tune, due April 5 to April 10, and the Polynesia and Gosport, due about 15th to 20th April.

CITY ITEMS.

OPERA MATINEE, -" Don Giovanni" and an act of Lucia di Lammermoor" will be given this afternoon, at the Academy. In the former, Mile. Piccolomini, Paredi, Patti-Strakosch, Brignoli, &c., appear, and in the latter Madame de Wilhorst and Mr. Squires.

Havdn's oratorio of the Creation was performed by the New-York Harmonic Society on Tuesday evening last at the Academy of Music. The solos were sustained by Madame de Wilhorst, Miss Rhemio, Mr. E. Perring and Mr. J. R. Thomas. The solos were admirably rendered, and the choruses were performed with great precision and effect. Mr. George F. Bristow was the conductor. This was probably the best performance of that oratorio ever given in this city.

THEATRICALS .- Mrs. F. B. Conway has a Benefit to-night at the Metropolitan, when "Louise de Lig-nerolies," and a part of "Guy Mannering" will be At Niblo's Theater there is an extra performance

this afternoon of " La Bavadere." . Wood's Missingle.-This excellent band of Ethi-

opian Melodists give an afternoon performance to-

The Methodist Sunday-Schools of this city are pre-paring to hold an anniversary at the Academy of Music next Tuesday evening, to aid in the establishment of Sunday-schools in the more destitute locali-ties of our city. About 1,000 children will take part in the exercises, and an address will be delivered by the Rev. Alfred Cookman of Philadelphia. For particulars, see advertisement among religious notices.

The Seventy-first Regiment will go over to Camp Washington, their old camp-ground, on Staten Island, on Monday next, by the 9 o'clock boat, for the purpose of parading and having a sham fight.

THE BILLIARD CHAMPIONSHIP .- We have published the letter of Mr. John Secreiter, the defeated Billiard aspirant, in which he made certain severe charges against Mr. Phelan, his conqueror. Mr.

charges against Mr. Phelan, his conqueror. Mr. Phelan makes the following rejoinder:

NRW-YORK, May 21.

To the Editor of Porter's Spirit of the Times:
DEAR SIRE: I would respectfully request sefficient space in your columns to correct several gross mis-tatements made in a card, signed "John Secretter," published in your paper of last week. I will be as brief as possible.

Mr. Secretter sets out by avowing that he said, before the match, he would never play another, and that the card to that effect was published by one of his friends. There is truth in this, but not the whole truth. The card in The Detroit Tribuns was published by his representative, the gentleman who came to New York to make the match, and who signed every document connected with it.

one, oth, says Mr. Secreiter, was of "exceeding and usual interests."

The cloth was the ordinary Simoni cloth, such as is placed on my billiard tables. I brought it home with me after the ten, and now send it to you for your inspection.

I had never played upon a cloth of anything like such fine-

playing upon, on one of my tables, for more than a year previous to the match.

"The balls were of very unequal weight, so much so, that I was all through the first thousand points in getting accustomed to them.

"It may be said that as to the cloth and balls, they were as fair for one as the other. I answer that they were selected and brought on here by Mr. Pholau, and it is not likely that he went out of the nand course, to his own detriment."

The balls were the best that could be found at the time, and were selected by Mr. Secretics.

Practice and play with them were made, by him and his friends, indispensable additions to the carrying out of the match. I brought on those hells to practice with, and did not ask him to play with them. I desired to wait until two prominent billiard-hail makers in New York should send on prize sets, stating that the competition between the manufacturers would be likely to secure the greater correctness of the balls. Mr. Secretice and his friends would not wait the arrival of these balls to make the election.

When the match was avered upon. I told the representative of

He did presence balls, and both these and mine were weighted by him and his friends, in a druggist's or banker's scales, and measured with a callipers. Mine were found to be the truest, and were accordingly selected. In my experience I have never seen a truer set; in fact, one might try a thousand sets without finding as true a one. If there was any linequality which gave an advantage, Mr. Sereiter was any linequality which gave an advantage the first section of the second consist in having the lightest cue-ball. Mr. Sereiter wan the choice of balls, and I may well answer as he does, "It is not likely that he went out of the usual course to his own decriment." Fortunately, I brought those balls home with me, and send them with this for your inspection.

Moreover, Mr. Secreiter had several days' practice on the cloth and with the balls. After that experience of them, he expressed to several gentlemen, in language much more energetic than elegant or gentlement, in language much more energetic than elegant or gentlement, in language much more energetic than elegant or gentlement, in language much more energetic than elegant or gentlement, in language much more energetic than elegant or gentlement, in language much more energetic than elegant or gentlement, in language much more energetic than elegant or gentlement, in language much more energetic than elegant or gentlement, in language much more energetic than elegant or gentlement, in language much more energetic than elegant or gentlement.

gard to the balls and cloth, I can add to ocular den With regard to the buils and cloth, I can add to centar demonstration, a reference to the following experts, professional billiard players: Mesers Philip Theman of Cincinnati, Wm. Lake, Raipa Berjamin, and Dudley Kavanagh of New-York, and Michael Feley of Detroit, the latter two gentlemen being the winning and being players in the match which preceded that of Mr. Secretter and myself, and who played on the same cloth and with those same buils.

Having shown the fulsehood of these statements made in the large which bears Mr. Sceteriter's name, I take this opportunity of unforming that gentleman and his friends, that henceforth I will also no notice of their allegations, though they should publish are no notice of their allegations, though they should publish

to no notice of the descent of the descent of the descent of the descent of the Michael Phelan.

Michael Phelan. When we add that any person, by calling at the office of Porter's Spirit, can satisfy himself, by actual inspection, as to the fineness of the cloth and the accuracy of the balls, we need hardly make any further comments. The New-York player has evidently as much the best in the controversy as he had in the

Mr. Pheian's New-York friends prepared a surprise or him, in the shape of a handsome silver salver and ca set, which were given him at his room the other day. The articles having been tastefully arranged on a table. Mr. Phelan was called in and a letter read to

a table, Mr. Phelan was called in and a letter read to him, as follows:

"Mew-York, Tuesday, May 24, 1859.

"Michight, Phelan, Eag.—Dear Sir: A few of your old friends, appreciating your exertions as an inventor and reformer in billiards, your skill as a scientific master of the game, and your uniformly straightforward, manly, correct and courteous deportment, and being desirous of evincing their regard in a substantial form, beg leave to offer and request your acceptance of the accumpanying severals, with their best wishes for your continued success and prosperity."

Some speeches were made, to which Mr. Phelan responded briefly and appropriately.

The tea service consisted of a tea-pot, a sugar-bowl, a milk-pitcher, and a slop-bowl, all elegantly chased, of Mexican-coin silver, and an elegantlycarved salver of nickel silver, in the burnished center of which was written:

"TO MICHAEL PHELAN,
FROM BIS FRIENDS,
Jupil 12, 1859."
On each article was inscribed "Phelan." The date, will be observed is that of Mr. Phelan's victory over Secreiter. The set is valued at \$350, and was manufactured by J. C. Marsh, No. 22 John street. The scarf-pin, which was manufactured expressly by Ball, Black & Co., consists of a gold billiard cue. with a ruby point representing the leather, and at the

smaller diamonds around it, attached by a gold chain of exquisite workmanship to a large diamond breastpin. Its cost was \$75. Mr. Phelan will play no more match games at

larger end a large diamond, with a cluster of eight

A POLITICAL STRIKER SENT TO THE ISLAND .- The man reported in Thursday's papers as arrested for having collected money under the pretense of being foreman of a Hoboken Fire Company, was yesterday morning sentenced by Justice Welsh to sixty days labor on the Island. His real name, instead of Robert Drew, as reported, turns out to be John H. Ridabcek alias Robert Rue, a notorious political striker, who has, on previous occasions committed depredations on

The Italian Committee beg leave to caution the public against any person who may solicit subscrip. tions to the fund proposed to be raised for the benefit of the families of Italian soldiers, unless they are furnished with a subscription-book with the autograph signatures of the President and Treasurer of the Committee, as these books folone, and not the circulars,

authorize collections.

The subscribers are respectfully requested to sign their names in the book presented, or to send their contributions directly to the office of the Treasurer O. Fabbricotti. No. 34 Beaver street. Should the name of any subscriber be omitted in the list soon to be published in the papers, he will please inform the Committee

of the unission.

Whoever has made any collections in the name of the Committee, is requested to pay in the same at the office of the Treasurer, and apply for a subscription book.

All papers will confer a favor by copying the above notice.

For the Committee,

V. BOTTA, President.

New York, May 27, 1839.

WARSING.-Yesterday a lady had occasion to ride in a Fifth avenue omnibus, and while there her reti-cule was unclasped and her portemonnaie, which was in it, was opened, and some bills taken out. The operator was a female, who was disguised behind a thick well, and had a great deal of trouble in arranging her dress. The thing was so admitly done that there was no indication of the articles having been detached, and it was only discovered after the victim left the omnibus. The thiefonly rode a few blocks.

Scicide is West Broadway .- Coroner Jackman held an inquest on Friday, at No. 74 West Broadway, upon the body of Mart'n H. Herbert, the Frenchman she committed snicide on Thursday afternoon, by taking arsenic. Deceased, it appears, was an official in Paris during the revolution of 1848. He came to this city about three years ago, and being poor, was aided by remittances from his friends in Paris. Recently, the remittances grew too small for his support, and being unable to get employment, he thought to end his troubles by suicide. Deceased left letters addressed to his father and others residing in France. The usual verdict was rendered by the Coroner's Jury, after which, application was made to the French Consul to have his body respectably interred, but he refused, and it was taken to Potter's Field.

who had been in the habit of selling applies and candies about the wharves, or Thursday afternoon lay down on the string piece of Pler No. 50, E. R., and wrent to sleep. A short time afterward she was discovered struggling in the water, and she was discovered struggling in the water, and she was drowned before assistance could, be afforded her. Her body was recovered, and Coroner Jackman held an inquest upon it, and a verdict of "Accidental drowning" was rendered. The name of the deceased was not ascertained.

ALLEGED RAFE.-Henrietta Harpell, a young wo-ALLEGED RAPE.—Henrietta Harpell, a young woman residing with her father, who is a butener doing business in Washington Market, at No. 56 Third street, came before the City Hail Poirce Court yesterday, and preferred a complaint of rape against Thomas Haulon, a young man who sleeps with her brother, in an adjoining room of the same house. About 2 o'clock yesterday morning, ahe altered Haulon entered her room, the doors having been left siar on account of the warmness of the weather, and failing in his attempt, in the alarm caused by her screams, betook himself to a back corner beneath a bed, where he was captured shortly after by her father and brother. She could not swear as to whether the person who awakened her was actually a man or a woman, it being all done in the dark. Hailon was therefore committed for examination, on the charge of assault and battery.

ALLEGED BOGUS LAND SPECULATION .- A man

HATCHWAY ACCIDENT.—A boy named Thomas Hunter, 14 years of age, fell through a three-story hatchway at No. is John street yesteroay, fracturing his skull. He was taken to he City Hospital.

SERIOUS FALL.—A little child of six and a-half years, on of Mr. John Hughes, of No. 300 West Eighteenth street, fell on a third-story window of his father's residence, on Thursday, acturing his shall. He is not expected to survive.

DROWNED.—On Thursday afternoon, an unknown woman, while sitting on the pier, foot of Montgomery street, fell into the water and was drowned. Her body was recovered and taken to the Seventh Ward Station-House. DISORDERLY HOUSE,-The Fifth Ward Police paid a midnight visit on Thursday to the negro dance-house of John Sewell, at No. 57 Worth street, and arrests 1 is females and 22 males for disorderly conduct. They were sent to Justice Welch for their deserts. They were subsequently discharged on their

DISCHARGES FROM THE EAR AND PARTIAL.
DEAFACES CURED.—Dr. HARTLEY is prompted, by the pures, and most generous motive, to publish another list of cures recently effected by him. The parties are of the highest respectability, and will gladly restly to the skill of Dr. H and the benefits realized from his extraordinary and successful treatment.

Mr. Challes F. Vanbrunt was cured of discharge from the Ear and partial Deafress, caused by scallet fever, at the age of three years, He is now 17, and may be seen at No. 34 Murray-st., New-York City.

Mr. C. C. Lathrop, upward of 60 years old, 8 years Deaf, with

M. C. C. Fathrop, upward of 69 years old, 8 years Deaf, with diagreeable moires in the head-curred entirely. Residence No. 3 West Washington-place, New York.

Mr. William Silvey, No. 78 Contribudes I. New York City. Capt Charles Anderson, Sangerties, New York.

C. C. Clote, Schenenady, New York.

C. C. Clote, Schenenady, New York.

Charles Townsend, Cortive III, Orange Co., New York.

Threedore Butcher, No. 201 West 37th st., New York.

Mr. Hartsborn, at Demerset's Broadway, New-York.

Mr. Paine, musician, West Point, New-York.

Mr. Minns, Importer, No. 207 Washington-st., New-York.

R. E. Greene, Conductor, Broadlyin City Railroad, Brooklyn.

W. B. Crane, Roudout, New-York.

A. Magown, Harlem, New-York.

W. B. Crane, Rondout, New York,
A. Magown, Harlem, New York,
Mrs. Gardner, No. 27 Market etc., New York,
James A. Babcock, No. 102 Foltonest, New-York,
James A. Babcock, No. 102 Foltonest, New-York,
John Duglass, No. 225 Bayest, Jersey City.
Thomas Haywood, No. 30 Stantonest, New-York,
Claudius Miller, No. 35 Bedford etc, New York,
W. C. Squire, No. 54 Courtland'etc, N. Y., or Rahway, N. J.
Dr. H. Bell's nephew, Auburu, New-York,
James R. Burtis, Giass Works Chicago, Ullnois,
Mr. James Burnett, Pleasant Valley, near Poughkeepsie, N. Y.
Mr. B. F. Stephenson's child, Jacksonville, Illinois,
H. P. Herdmen, eaq. Coursellor at Law, No. 13 Chambers-st.,
Sew-York City.

H. F. Herdmen, esq. desw. York City.
Seth Paine, Broker and Editor, Chicago, Illinois,
Misa Rebecca D. Howard, Fairhaven, Massachusetts.
Misa Sarah Swaine, Mantucket, Massachusetts.
Misa Prince, Portland, Maline
Dr. Hartley will receive patients each morning at his resisence, No. 40 St. Marka-place.

New-York, May 23, 1859. UNCLE TOM'S CABIN.—The last time, indeed.

We shall no more see the wonderful Eva of Little Corfella. We shall no more hear her mother, as Topey cry, "Oh, Goll, We so Wicked!" This AFFERMON and Eventsu will be their last appearance at BARNEW'S MUSEUM. UNCLE TOW'S CARIS will be repeated on both occasions. Superbly beautiful CARPETS!

tremendous low prices!

Crossley & Son's gorgeous MEBALLICHS.

Exolish Vallyris, 9| to 12| per yard.

Real English Brussels, 6| to 10| per yard.

All-wool Ingrains, 5| to 6| per yard.

Floor ULCLOTHS, 2/6 to 6| per yard.

HIRAM ANDERSON, No. 99 Bowery. How to RESTRAIN THE PASSIONS AND CUL-Tivate the Hisher Nature, and in what pursuit one make the most of himself, may be learned by a Parenclog Examination at Fowler & Wells's, No. 306 Broadway.

METALLIC TABLET RAZOR STROP.—This inimitable article may be obtained of the sole manufacturers, J. & S. SAUNDERS, No. 7 Astor House, and of the various agents through-

Young Women, would you be beautiful? Young men, would you be strong?
If so, read HINTS ON PHYSICAL PERFECTION. Just published
by FOWLER & WELLS, No. 308 Broadway. Price only \$1.

TEAS.—The CANTON TEA COMPANY have hand every variety of Teas for Grocers and Tes Dealers and private families. Souchong, Oolong and Young Hyson from 25c, to 40c, Gunpowder and Imperial from 25c, to 69c. All other qualities equally low. Also, three-pound boxes good Family Tea for \$1. Call and examine at No. 125 Chathamen, between Pearl Processing and Proceedings of the Processing of the

[Advertisement.]

Go to "COSTAR's" Depot, No. 410 Broadway, and get the only remedy in the wide world, against Moths and Insects in Furs. Clothes, Carpets, &c. See advertisement in special notice column, with terms to Druggists, Grocers, &c.

dies, a certain cure for Consumption, Asthma, Bronchitis, Coughs, Coids, and General Debility. The remedy was discovered by him when his only child, a daughter, was given up to die. His child was cured and is now alive and well. Desirous of benefiting his fellow mortain, he will send to those who wish it, her recipe containing full directions for making and successfully using this remedy, free, on receipt of their names, with stamp for seturn postage. Address Dr. O. P. Brown, No. 19 Grand st., Jorney City, N. J.

[Advertisement.]

The Imperial eagles of France have not won higher renown than its fashions. All the magnificent new styles in Silk, Charg and Lace Boxwars, just brought out in Paris, have been reproduced at the Paris retail prices, at Wilde & Co.'s, No. 251 Broadway.

Modern Miracles: MODERN BIRACLES:

The remarkable cures effected by Mra. M. N. Gandsez's Crisnarto Isolas Medicuse, which stands unrivalled as the great cure for coughs, Cold. Croup. Brouchitis and
Lung Complaints. Sold by all the Drugsies; Wirks & POTTES,
19, 104 Washington et., Boston, Graceral Agents.

LAW INTELLIGENCE.

8. COMMISSIONER'S OFFICE-MAY IT. - Before Journal

BEIGHAM COMMISSIONER'S OFFICE—MAY H.—Before Journal
BRIGGIAM Commissioner.
THE MAIL ROBBERY CASE.

The examination of Edwin Jackson, charged with
attempting to rob Adam Keek of the mails on the NewYork and Eric Railroad on the 18th inst., was resumed
this afternoon. The prisoner's counsel offered no evidence for the defense, but argued that the offense did
not come within the act under which the prisoner had
been arrested.

cen arrested.

The Commissioner decided to commit the accused but the offense having been committed after the train left Port Jervis, and when it was within the Pena-yi-vania State line. Judge Beits issued a warrant to remand the prisoner to that State, where he will be tried

mand the prisoner to that State, where he will be tried.

SUPREME COURT—CHAMBERS—MAY 27.—Refore Judge SUTHERLAND.

ENLISTMENT OF MINORS IN THE UNITED STATES ARMY. In the matter of John Gibbons.

This was an application for the discharge of John Gibbons, who had been enlisted in the United States army, as the ground that at the time of the enlistment he was a minor, and williard without the consent of his parents. Mr. Joseph Lovell, or the part of the dovernment, opposed the discharge on the grounds that price to the act of Coupress of 1850, man could be enlisted at any thus between the ages of 18 and 35; that by the act of 1850 is was prohibited to enlist a minor without the consent of his guardian; but it is claimed that such consent of his guardian; but it is claimed that such consent of his guardian; but it is claimed that such consent of his guardian; but it of claimed that such consent of his guardian; but it of the mondown of the consent of his guardian; but it of the mondown of the consent of his guardian; but it of the consent of his man could be consented to the mondown of the consent of his guardian; but it is claimed that such consent of his particular of the consent of the mondown of the consent of the mondown of the consent of the consent of the consent of the fact of the consent of the foliar of the consent of the consen

were set down till Tuesday next.

THE LAY OF THE LAY (NEGRO) MINSTREE.
Henry Wood ast: George N. Histrington (alias Geo. Christy).

The parties appeared by their counsel in Court this morning, and the counsel for the pisintiff stated that Mr. Herrington had published a card in the morning papers, which though somewhat offensive to Mr. Wood, was satisfactory to him so far as his claim for damages were concerned.—Mr. Harrington having acknowledged that an injunction had been obtained against him preventing him breaking his contract. Mr. Wood did not wish to prosecute the matter maliciously, and was willing to let it rest, so far as he was concerned. In respect to the coatempt, Judge Sutherland said he was not prepared to discharge the attachment, but he would adjourn the matter till Monday.

Banks A Hursts and ex Juage Peabody for plaintiff, ex-Judge Whiting for defendant.

Before Justice Dayres.

Initing for defendant,
Before Justice Davres.
McGiffert agt, McGiffert; Lyuch agt, Miller et al.— Special TermMay 27.—Before Justice Allen.

Cases settled on exceptions.

Sekcial TexasMay 27.—Before Justice Allen.

Mentant TexasMay 27.—Before Justice Allen.

Matthew D. Field agt. Alexander McConochie et al.

This case springs out of the financial and real estate department of the Atlantic Telegraph Company. The Company obtained the grant of a belt of fand across Newfoundland, and on this land, near the Little Bouthern Harbor, Flacentia Bay, a valuable lead mine was discovered. The Company sold this on 2cth of June, 1857, to Messra M. D. Field and R. S. Riptley, for \$200,000, payable in four installments. To insure payment, it was agreed on December 18, 1857, that after paying mining expenses, 85 per cent of the money obtained by sale of the lead from the mines should be regularly appropriated toward the debt. Messra, F. & R. not having the necessary means to carry out this undertaking, Messra McConochie & Co. entered into an agreement to advance the finuda required, on condition: I. That all the products of the mine shoold be consistend to them for alle. 2. That they should pay the expenses of working out of the net received. A That they should apply the remainder to satisfy their own claims. 5. Ultimately they were to have a half interest in the whole concern. Under this agreement they claim to have advanced were \$80.00. Plaintiff claims that defendants have had already \$100.000 worth of lead.

On April 4, 1859, plaintiff being dissatisfied, gave notice to all Major Ripley, and applied for an injunction to restrain date dare from disposation of any of the property.

Defendants object—1. That they are not partners, that relation.

property, if it has not been conveyed to McConochie & Co., and placed under their control and in their peacesion, actual or constructive, by the act of the plaintiff and Ripley, or one of them, is still in their custody and under their control, so that McConochie & Co. could not if they would put a Receiver in possession of it. But with the effect of the order I have no concern. It is afficient, upon this branch of the motion, that Ripley, who by the order asked for is to be disposessed of the property, is easificient, to notice of the application.

Second: The McConochies are not in a situation to be affected except incidentally, and as it would interfere with their ability is enforce their lieu by the appointment of a Receiver, they are not, therefore, to be called to permit the property to go buts the hands of a Receiver, except, indeed, it could be mude to appear a Receiver as no except indeed, it could be mude to appear a Receiver was no except, indeed, it could be mude to appear a Receiver was not employed to their does, or lands of a Receiver, except, indeed, it could be mude to appear a Receiver was necessary to secure the payment of their dost, or the appointment was necessary to secure the payment of their dost, or the appointment was made subject to their rights. Their only present claim to the property, or to the possession or the right to dispose of any part of it, is a creditors, and by virtue of the live, legal or equitable, created by the contract between themselves and Field & Ripley. It is by way of security only that they can claim any present rights, and it is take present right that it is sought to disturb by the appointment of a Receiver. By the executory contract they may or may not hereafter become conners in common of the mines with the plaintiff and Ripley; but, in anticipation of such event, entirely contingent, it will not answer to interfere with a present vested interest of an entirely different character. The debt of McConochie & Co. is not disputed; the validity of their lean (whether legal or equitable is not material) is not controvered. The plaintiff and Ripley have agreed, by way from time to time, as they raise the ore from the mines and prepare if for market, convey it to their debtors to be dispused of for the payment of their debt. It would require a very strong case to induce the Court to vary this contract, and itself undertake to act by its agents, and receiver and dispose of the ore for the benefit of whom it might concern. The plaintiff has a reunedy, and may by paying the part of the contract; at least he may place himself in a position is which the merits of the application for a Receiver would be more apparent. The McConochies have performed their part of the security of which they contracted. The motion must be desired, with event of the payment of the year entirely and the security for which they contracted. The motion must be desired, with such the received of the payment of the year entirely and the security of the which they contracted. The motion must be desired, with each of the pay

action.

Gracuat Term-May 27.—Before Justices ROOSEVELT, PRATT INGRAHAM and LOTT.

The General Term rendered decisions this morning, but the Clerk informed the reporters that they could not have them to-day for publication, the Court having-so ordered it. Once before this week some of the reporters were refused the privilege of copying the judgments from the opinions, "by order of the Court."

SUPERIOR COURT-TRIAL TRAM-MAY 27.-Before Judge

SLOSSON.

SEW-YORK A PIOUS CORPORATION.

Heavy Carolia at The Mayor, &c.

This suit was brought by plaintiff, as administrator of Charles D. Bibelgs, deceased, for an amount sufficient to landenniff four children for the loss of their fasher. The compaint sets forth that in 1856 and 1857 the Corporation of this city left bighth sevence, near Seventy-seventh street, very much out of repair; that instead of repairing said avenue, they caused high embankments and dangerous precipieses to be built and exceed, thereby hazarding the lives of the persons traveling said avenue, On the 4th of October, 1857, deceased was near the place, on fost, and was thrown from the fourpath down one of the precipies, about thirty feet, instantly causing his death. He left six children, four of which were dependent upon him for support. The children have no means of support, their mother being also

The children have no means of support, their mother being also dead.

The Corporation put in a general denial. Several witnesses testified to the bad condition of the avenue.

As plaintiff was about to rest his case, Mr. Busteed was asked if he would admit that the City built the Croton Reservoir, which fact he had decided in his answer.

Mr. Busteed declined to admit anything, and the Court took a recess of fifteen minutes, to enable plaintiff to produce witnesses that the city did build the reservoir. After recess, John Golgies testified that the city did the work, but that his knowledge of such fact was obtained from the records of the Screet Commissioner's office.

Mr. Busteed objected to the testimony, on the ground that the witness did not testify to facts personally known to him. The objection was sustained, and the question of the fact was left by the Court with the Jury.

Plaintiff then rested, and ex-Judge Dean, who was associated with Mr. Busteed, snowed for a non-suit on the grounds that the testimony showed that deceased came to his death on the Bablath day while unlawfully traveling, he being on his return from the corner of Edighth avenue and Edighty-fourth street, where, it was alleged, be not absolutely sold objurs and had also taken sundry drinks.

Commel arrused that the act of the deceased at the time of his death was contrary to statute and, therefore, estopped his administrator for damnages become of his death on, estopped his administrator for damnages become of his death on the file

was elleged, bt had shoolutely sold clipurs and had also taken sundry drinks.

Commel argued that the act of the deceased at the time of his death was contrary to statute and, therefore, estopped his administrator for damages because of his death.

Mr. Legels, for plaintiff, argued that plaintiff had a right to travel for certain purposes on the Sabbath, and although deceased took a drink, he did not pay for it, and it was, therefore, not centrary to law.

This morning the judge stated that although the point was wall taken as respected the life gal traveling of the deceased, he should let that question be decided at the General Term. On the scoop point, that the deceased had no right on the embanhament, which had been built for the Croton Aqueduct for their pipes, did not for foot passengers, the judge, at the permission of the plaintiff a counsel, permitted additional bedimeny to be taken, but it falled to the right part of the counsel, and after hearing argument, the count ordered the complaint to be disminated.

SPECIAL TRIM—Before Judge MONCRIEF.—D ECISIOSI.

Alborn Groone et al., EXTR, 6CC., egg. James B.